

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETRA CHRISTINA BETER

Plaintiff,

-against-

DUANE BAUGHMAN, et al.,

Defendants.

24-CV-0079 (GHW) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

The Complaint was filed on November 20, 2023 (see ECF 1-1), and the filings on the docket indicate that Defendant Edward Skyler (“Skyler”) has not yet been properly served. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).

The time to serve the complaint on Skyler has expired. In accordance with Rule 4(m), Plaintiff is notified that it is my intention to recommend that Judge Woods dismiss the claims against Skyler. If Plaintiff wishes to move for a nunc pro tunc extension of the time for service on Skyler, any such motion must be filed on or before **April 12, 2024**, must show good cause for the extension, and must include a complete description under oath of all efforts made to date to effectuate service on Skyler. In addition, the application to extend the time for service must comply with the Local Rules of the United States District Court for the Southern District of New

York, including Local Rules 6.1 and 7.1. Service of the notice of motion and accompanying papers should be made personally on Skyler, with a second copy being sent to his home address.

If no such motion is filed by **April 12, 2024** in accordance with this Order, I will issue a report and recommendation that Judge Woods dismiss the claims against Skyler.

DATED: March 28, 2024
 New York, NY

SO ORDERED.



ROBYN F. TARNOFSKY
United States Magistrate Judge